



INFORMATION PAIA MANUAL OF THE MERCHANT WEST GROUP OF COMPANIES
PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS
TO INFORMATION ACT 2 OF 2000

TABLE OF CONTENTS

1. INTERPRETATION	3
2. INTRODUCTION	6
3. CONTACT DETAILS OF THE CHIEF EXECUTIVE OFFICER (SECTION 51(1)(A)) ..	7
4. THE INFORMATION OFFICER (SECTION 51(1)(B))	7
5. RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF SECTION 51(1)(D) OF PAIA	8
6. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF PAIA 10	
7. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION	10
8. REQUEST PROCEDURE	12
9. REFUSAL TO ACCESS OF RECORDS.....	14
10. REMEDIES AVAILABLE WHEN THE COMPANY / COMPANIES REFUSES A REQUEST	16
11. ACCESS TO RECORDS HELD BY THE COMPANY / COMPANIES	17
12. FEES PROVIDED BY PAIA.....	18
13. FEES PAYABLE	19
14. DECISIONS ON ACCESS REQUESTS.....	20
15. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY THE COMPANY / COMPANIES	20
16. AVAILABILITY AND UPDATING OF PAIA MANUAL	22

WHEREBY IT IS AGREED AS FOLLOWS:

1. INTERPRETATION

1.1 Unless otherwise expressly stated, or the context otherwise requires, the words and expressions listed below will, when used in this Agreement, bear the meanings ascribed to them and cognate words and expressions will bear corresponding meanings:

1.1.1 Company / Companies – the Merchant West Group of companies, including the following individual companies:

Company Name	Registration Number	Physical Address	Postal Address	Email Address	Contact Number
Merchant West Holdings (Pty) Ltd	2002/009124/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	thomask@merchantwest.co.za	(011) 305 9400
Merchant West (Pty) Ltd	2000/012050/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	armandf@merchantwest.co.za	(011) 305 9400
Merchant West Fleet (Pty) Ltd	2009/005033/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	kerik@merchantwest.co.za	(011) 305 9400
Merchant West Ariva Rentals (Pty) Ltd	2011/009222/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	armandf@merchantwest.co.za	(011) 305 9400
Merchant West Working Capital Solutions (Pty) Ltd	2007/033084/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	mikeb@merchantwest.co.za	(011) 305 9400
Merchant West Capital Finance (Pty) Ltd	2002/021033/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	armandf@merchantwest.co.za	(011) 305 9400
Revfin (Pty) Ltd	2014/223273/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	ianb@revfin.co.za	(011) 305 9400
Merchant West Rentals 1 (Pty) Ltd	2018/480634/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	armandf@merchantwest.co.za	(011) 305 9400
POS Rentals (Pty) Ltd	2019/361974/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	ianb@revfin.co.za	(011) 305 9400
Revfin Rentals (Pty) Ltd	2017/498411/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	ianb@revfin.co.za	(011) 305 9400
SD Finance (Pty) Ltd	2017/340135/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	mikeb@merchantwest.co.za	(011) 305 9400
Merchant West Property Finance (Pty) Ltd	2020/134596/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	mikeb@merchantwest.co.za	(011) 305 9400
Merchant West Specialised Finance (Pty) Ltd	1999/011483/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	armandf@merchantwest.co.za	(011) 305 9400
Merchant West Capital (Pty) Ltd Limited	1999/000113/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	armandf@merchantwest.co.za	(011) 305 9400
Merchant West Finance (Pty) Ltd	2020/134596/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	armandf@merchantwest.co.za	(011) 305 9400
Merchant West Namibia (Pty) Ltd	2019/1227	51 on Lazarett, Unit 11, 1st Floor, Julius K Nyerere Str, Windhoek, Namibia	P.O. Box 97183, Maerua Mall, Windhoek, Namibia	albertp@merchantwest.co.za	00264 (81) 122 6013
Merchant West Metal Finance Inc.	87-2950545	1018 Rockford street, Mt Airy, North Carolina, 27030	P.O. Box 651098, Benmore, 2010	thomask@merchantwest.co.za	(011) 305 9400
Merchant West Incompass (Pty) Ltd	2012/188288/07	2nd Floor, Graphic Centre 199 Loop Street Cape Town 8001	P.O. Box 651098, Benmore, 2010	fiona@incompass.co.za	(021) 424 2936
Merchant West Investments (Pty) Ltd	2006/018046/07	6th Floor, The Terraces, 25 Protea Rd, Claremont, Cape Town, 7708	P.O. Box 651098, Benmore, 2010	paul.stewart@merchantwest.co.za	(021) 552 7007
Sterling Private Wealth (Pty) Ltd	2007/004491/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	joubert@sterlingwealth.co.za	(011) 883 8828
Merchant West Asset Rentals (RF) Limited	2002/030074/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	armandf@merchantwest.co.za	(011) 305 9400
MWAR Warehouse (RF) (Pty) Ltd	2016/420684/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	armandf@merchantwest.co.za	(011) 305 9400
Merchant West Working Capital Solutions (RF) Limited	2012/049445/06	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	armandf@merchantwest.co.za	(011) 305 9400
Merchant West Working Capital Solutions Security SPV (RF) (Pty) Ltd	2014/202659/07	145 West Street, Sandown, Sandton	P.O. Box 651098, Benmore, 2010	armandf@merchantwest.co.za	(011) 305 9400

1.1.2 Data Subject - shall have the meaning ascribed to it in Chapter 1 of POPIA;

1.1.3 Personal Information - shall have the meaning ascribed to it in Chapter 1 of POPIA;

1.1.4 PAIA - means the Promotion of Access to Information Act 2 of 2000,

as amended;

1.1.5 PAIA Manual – means this manual together with all of its annexures, as amended from time to time;

1.1.6 POPIA – means the Protection of Personal Information Act 4 of 2013, as amended;

1.1.1 Processing - shall have the meaning ascribed to it in Chapter 1 of POPIA;

1.1.2 Responsible Party – shall have the meaning ascribed to it in Chapter 1 of POPIA

1.2 The following annexures form part of this PAIA Manual:

1.2.1 Annexure A – Access Request Form.

1.3 In this PAIA Manual:

1.3.1 Clause and paragraph headings are for purposes of reference only and will not be used in interpretation;

1.3.2 Unless the context clearly indicates a contrary intention, any word denoting a gender includes any other form of broader gender within the spectrum of gender fluidity, whether binary or non-binary, the singular includes the plural and vice versa, natural persons include artificial persons and vice versa and insolvency includes provisional or final sequestration, liquidation or judicial management.

1.3.3 Unless the context clearly indicates a contrary intention, insolvency includes provisional or final sequestration, liquidation, judicial management or business rescue;

1.3.4 When any number of days is to be calculated, such number will exclude the first and include the last day. If the last day of such number so calculated falls on a day which is not a business day, the

last day shall be deemed to be the next succeeding day which is a business day;

- 1.3.5 A reference to a business day is a reference to any day excluding Saturday, Sunday and a public holiday in the Republic of South Africa;
- 1.3.6 A reference to days (other than to a business day), months or years will be a reference to calendar days, months or years, as the case may be;
- 1.3.7 When any time or date is referred to in this PAIA Manual same will be deemed to be a reference to such time and/or date, as the case may be, in the Republic of South Africa;
- 1.3.8 Where figures are referred to in numerals and in words and there is any conflict between the numerals and words, the words will prevail;
- 1.3.9 No provision herein will be construed against or interpreted to the disadvantage of any Party by reason of such Party having or being deemed to have structured, drafted or introduced such provision;
- 1.3.10 The use of the word “including” followed by specific examples will not be construed so as to limit the meaning of the general wording preceding it;
- 1.3.11 Any reference to any statute, regulation or legislation is a reference to such statute, regulation or legislation as at date of signature hereof and as amended or substituted from time to time;
- 1.3.12 If any provision in a definition is a substantive provision confirming any right or imposing any obligation on any Party, then notwithstanding that it is only in the definition clause, effect will be given to it as if it was a substantive provision in this PAIA Manual;
- 1.3.13 Unless any annexure provides otherwise, any annexure to this PAIA

Manual will be deemed to be incorporated in and form part of this PAIA Manual and words and expressions defined in this PAIA Manual shall bear, unless the context otherwise requires, the same meaning in such annexures.

2. INTRODUCTION

- 2.1 The Company / Companies conducts business as a privately owned financial institution that provider alternative funding to business to normal commercial banks within South Africa.
- 2.2 This PAIA Manual provides an outline of the type of records and the Personal Information it holds and explains how to submit requests for access to these records in terms of PAIA. In addition, it explains how to access, or object to, Personal Information held by the Company / Companies, or request correction of the Personal Information, in terms of Sections 23 and 24 of POPIA.
- 2.3 PAIA and POPIA give effect to the constitutional right of access to information held by private sector or public bodies, if the record or Personal Information is required for the exercise of protection of any rights. If a public body lodges a request, the public must be acting in the public interest.
- 2.4 Requests shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs associated with such requests are set out in paragraph 5 below.
- 2.5 This PAIA Manual is published on the Company website at www.merchantwest.co.za or, alternatively, a copy can be requested from the Information Officer or Deputy Information Officer. The PAIA Manual is also available to view at the premises of the Company / Companies situated at 145 West Street, Sandton, Gauteng.

3. CONTACT DETAILS OF THE CHIEF EXECUTIVE OFFICER (SECTION 51(1)(A))

- 3.1 CEO: Braam Viljoen;
- 3.2 Registered Address: 145 West Street, Sandton, Gauteng, 2010;
- 3.3 Postal Address: P O Box 651098 Benmore 2010;
- 3.4 Telephone Number: 011 305 9400;
- 3.5 Website: www.merchantwest.co.za

4. THE INFORMATION OFFICER (SECTION 51(1)(B))

- 4.1 PAIA prescribed the appointment of an Information Officer for public bodies where such Information Officer is responsible for, inter alia, assess requests for access to information. The Head of a Private Body fulfils such a function in terms of section 51 of PAIA. The Company / Companies has opted to appoint an Information Officer to assess requests for access to information as well as to oversee its required functions in terms of PAIA.
- 4.2 The Information Officer appointed in terms of the PAIA also refers to the Information Officer as required by to in POPIA. The Information Officer oversees the functions and responsibilities as required for in terms of both PAIA as well as the duties and responsibilities in terms of Section 55 of POPIA after registering with the Information Regulator.
- 4.3 The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of Section 17 of PAIA as well as Section 56 of POPIA. This is in order to render the Company / Companies as accessible as reasonably possible for anyone who requests access to the records of the Company / Companies and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of Section 55 of POPIA.

4.4 All requests for information in terms of PAIA and/or POPIA must be addressed to the Information Officer.

4.5 The Information Officer may be contacted or reached on the following details—

Information Officer: Braam Viljoen;

Physical Address: 145 West Street, Sandton, Gauteng, 2010;

Telephone: 011 305 9400;

Email: BraamV@merchantwest.co.za.

5. RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF SECTION 51(1)(D) OF PAIA

5.1 Records held by the Company / Companies

5.1.1 This paragraph serves as a reference to the categories of information that the Company / Companies holds. The information is classified and grouped according to records relating to the following subjects and categories:

5.1.1.1 Personnel Records

5.1.1.1.1 Personal records provided by personnel;

5.1.1.1.2 Records provided by a third party relating to personnel;

5.1.1.1.3 Conditions of employment and other personnel-related contractual and quasi-legal records;

5.1.1.1.4 Internal evaluation records and other internal records;

5.1.1.1.5 Correspondence relating to personnel; and

5.1.1.1.6 Training Scheduled and Material

5.1.1.1.7 For purposes of clause 5.1.1.1, “personnel” refers to any person who works for or provides services to or on behalf of the Company / Companies, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company / Companies. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

5.1.1.2 Customer Related Records

5.1.1.2.1 Records provided by a customer to the Company / Companies;

5.1.1.2.2 Records provided by a third party;

5.1.1.2.3 Records generated by or within the Company / Companies relating to its customers, including, but not limited to transactional records; and

5.1.1.2.4 For purposes of clause 5.1.1.2, a “customer” refers to any natural or juristic entity that receives goods and/or services from the Company / Companies.

5.1.1.3 Private Body Records

5.1.1.3.1 Financial records;

5.1.1.3.2 Operational records;

5.1.1.3.3 Databases;

5.1.1.3.4 Information technology; and

5.1.1.3.5 Marketing records

5.1.1.4 Internal Correspondence

5.1.1.4.1 Product records;

5.1.1.4.2 Statutory records; and

5.1.1.4.3 Internal policies and procedures.

5.1.1.4.4 These records include, but are not limited to, records which pertain to the Company / Companies' own affairs.

5.2 Note that the accessibility of records may be subject to the grounds of refusal set out in this PAIA Manual. Amongst others, records deemed confidential on the part of a third party will necessitate permission from the third party concerned, in addition to normal requirements, before the Company / Companies will consider access.

6. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF PAIA

6.1 Records of a public nature, typically those disclosed on the Company website and its various annual reports, may be accessed without the need to submit a formal application.

6.2 Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

7. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

7.1 Where applicable to its operations, the Company / Companies also retains records and documents in terms of the legislation listed below. Unless

disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of PAIA, the below mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescribed manner in PAIA.

- 7.1.1 Basic Conditions of Employment Act No. 75 of 1997;
- 7.1.2 Broad Based Black Economic Empowerment Act, 2003;
- 7.1.3 Companies Act No. 71 of 2008;
- 7.1.4 Competition Act No. 89 of 1998;
- 7.1.5 Constitution of the Republic of South Africa of 1996;
- 7.1.6 Copyright Act No. 98 of 1978;
- 7.1.7 Electronic Communications and Transactions Act No. 25 of 2002;
- 7.1.8 Employment Equity Act No. 55 of 1998;
- 7.1.9 Financial Intelligence Centre Act No. 38 of 2000;
- 7.1.10 Income Tax Act No. 58 of 1962;
- 7.1.11 Insider Trading Act No. 135 of 1998;
- 7.1.12 Insolvency Act No. 28 of 1936;
- 7.1.13 Intellectual Property Laws Amendment Act No. 38 of 1997;
- 7.1.14 Labour Relations Act No. 66 of 1995;
- 7.1.15 Long Term Insurance Act No. 52 of 1998;

- 7.1.16 Patents Act No. 57 of 1978;
- 7.1.17 Pension Funds Act No. 24 of 1956;
- 7.1.18 Prescription Act No. 68 of 1969;
- 7.1.19 Promotion of Access to Information Act No. 2 of 2000;
- 7.1.20 Protection of Personal Information Act No. 4 of 2013;
- 7.1.21 Revenue Laws Second Amendment Act. No 61 of 2008;
- 7.1.22 Taxation Laws Amendment Act No. 7 of 2010;
- 7.1.23 Trademarks Act No. 194 of 1993;
- 7.1.24 Unemployment Contributions Act No. 63 of 2001;
- 7.1.25 Unemployment Insurance Act No. 30 of 1966;
- 7.1.26 Value Added Tax Act No. 89 of 1991.

- 7.2 It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

8. REQUEST PROCEDURE

8.1 Procedural Requirements

- 8.1.1 The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.
- 8.1.2 The requester must complete the prescribed form enclosed herewith as Annexure A and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer or the Deputy Information Officer at the postal or physical address or e-mail address as noted in paragraph 5 above.

- 8.1.3 The prescribed form must be completed with sufficient information to enable the Information Officer to identify –
 - 8.1.3.1 The record or records requested; and
 - 8.1.3.2 The identity of the requester.
- 8.1.4 The requester should indicate which form of access is required and specify a postal address or e-mail address of the requester in the Republic of South Africa;
- 8.1.5 The requester must state that they require the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right, as contemplated in Section 53(2)(d) of PAIA.
- 8.1.6 The Company / Companies shall process the request within 30 days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with.
- 8.1.7 The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.
- 8.1.8 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer, in accordance with Section 53(2)(f) of PAIA.
- 8.1.9 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

8.1.10 The requester must pay the prescribed fee before any further processing can take place.

8.1.11 All information as listed in this paragraph 8 should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

9. REFUSAL TO ACCESS OF RECORDS

9.1 Grounds to refuse access

9.1.1 A private body such as the Company / Companies is entitled to refuse a request for information.

9.1.2 The main grounds for the Company / Companies to refuse a request for information related to the:

9.1.2.1 mandatory protection of the privacy of a third party who is a natural person or deceased person (section 63) or a juristic person, as included in POPIA, which would involve the unreasonable disclosure of personal information of that natural or juristic person;

9.1.2.2 mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the POPIA;

9.1.2.3 mandatory protection of the commercial information of a third party (section 64), if the record contains (i) trade secrets of the third party; (ii) financial, commercial,

scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; or (iii) information disclosed in confidence by a third party to the Company / Companies, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

9.1.2.4 mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;

9.1.2.5 mandatory protection of the safety of individuals and the protection of property (section 66); and

9.1.2.6 mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).

9.1.3 The commercial activities (section 68) of a Private Body, such as the Company / Companies, which may include –

9.1.3.1 trade secrets of the Company / Companies;

9.1.3.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company / Companies;

9.1.3.3 information which, if disclosed could put the Company / Companies at a disadvantage in negotiations or commercial competition;

9.1.3.4 a computer program which is owned by the Company / Companies, and which is protected by copyright;

9.1.3.5 the research information (section 69) of the Company / Companies or a third party, if its disclosure would disclose

the identity of the Company / Companies, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

- 9.1.4 Requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 9.1.5 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 9.1.6 If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the records concerned for the purposes of PAIA. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

10. REMEDIES AVAILABLE WHEN THE COMPANY / COMPANIES REFUSES A REQUEST

10.1 Internal Remedies

The Company / Companies does not have an internal appeal procedure. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

10.2 External Remedies

- 10.2.1 A requestor that is dissatisfied with the Information Officer's refusal to disclose Information, may within 30 days of notification of the decision, apply to a Court for relief.

10.2.2 A third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 days of notification apply to court for relief.

10.3 For purposes of PAIA, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

11. ACCESS TO RECORDS HELD BY THE COMPANY / COMPANIES

11.1 Prerequisites for Access by Personal/other Requester

11.1.1 Records held by the Company / Companies may be accessed by requests only once the prerequisite requirements for access have been met.

11.1.2 A requester is any person making a request for access to a record of the Company / Companies. The two types of requesters are more fully described below;

11.1.3 Personal Requester

11.1.3.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.

11.1.3.2 The Company / Companies will voluntarily provide the requested information or give access to any record with regard to the requesters personal information. The prescribed fee for reproduction of the information requested will be charged.

11.1.4 Other Requester

- 11.1.4.1 This requester (other than a personal requester) is entitled to request access to information on third parties.
- 11.1.4.2 In considering such a request, the Company / Companies will adhere to the provisions of PAIA. Section 71 requires that the Information Officer take all reasonable steps to inform a third-party to whom the requested record relates of the request, informing them that they may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information.
- 11.1.4.3 The Company / Companies is not obliged to voluntarily grant access to such records. The requester must fulfil the prerequisite requirements, in accordance with the requirements of PAIA and as stipulated in Chapter 5, part 3, including the payment of a request and access fee.

12. FEES PROVIDED BY PAIA

12.1 PAIA provides for two types of fees, which are –

- 12.1.1 A non-refundable request fee, which is an administration fee to be paid by all requesters except personal requesters, before the request is considered; and
- 12.1.2 An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the Company / Companies in obtaining and preparing a record for delivery to the requester.

12.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed fee, before further processing of the request, in accordance with Section 54(1) of PAIA.

- 12.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay, as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.
- 12.4 The Information Officer shall withhold a record until the requester has paid the fees as indicated below.
- 12.5 A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonable required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in request form.
- 12.6 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer must repay the deposit to the requester.

13. FEES PAYABLE

- 13.1 The fees for reproduction of a record as referred to in Section 52(3) of PAIA are as follows –
- | | | |
|--------|---|--------|
| 13.1.1 | for every photocopy of an A4 size page or part thereof | R1,10 |
| 13.1.2 | for every printed copy of an A4 size page or part thereof | R0.75 |
| 13.1.3 | for a copy of a compact disc | R70,00 |
| 13.1.4 | for a transcript of visual images for an A4 size page or part thereof | R40,00 |
| 13.1.5 | for a copy of visual images | R60,00 |

13.1.6 for a transcript of an audio record, for an A4 size page or part thereof
R20,00

13.1.7 for a copy of an audio record R30,00

13.2 The request fee payable by a requester other than a personal requester is R50,00.

14. DECISIONS ON ACCESS REQUESTS

14.1 The Company / Companies will, within 30 days of receipt of a request, decide whether to grant or decline the request and give notice within reasons (if required) to that effect.

14.2 The 30-day period within which the Company / Companies has to decide whether to grant or refuse the request may be extended for a further period of not more than 30 days if the request is for a large amount of information.

14.3 The Company / Companies will notify the requester in writing should an extension be sought.

15. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY THE COMPANY / COMPANIES

15.1 Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

15.2 The Company / Companies needs Personal Information relating to both individual and juristic persons in order to carry out their business and organisational functions. The manner in which this information is Processed and the purpose for which it is Processed is determined by the Company / Companies. The Company / Companies is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:

- 15.2.1 is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by the Company / Companies, in the form of privacy or data collection notices. The Company / Companies must also have a legal basis (for example, consent) to process Personal Information;
- 15.2.2 is processed only for the purposes for which it was collected;
- 15.2.3 will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
- 15.2.4 is not excessive for the purposes for which it was collected;
- 15.2.5 is accurate and kept up to date;
- 15.2.6 will not be kept for longer than necessary;
- 15.2.7 is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by the Company / Companies, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
- 15.2.8 is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
 - 15.2.8.1 be notified that their Personal Information is being collected by the Company / Companies and to be notified in the event of a data breach;
 - 15.2.8.2 know whether the Company / Companies holds Personal Information about the Data subject, and to access that

information; Any request for information must be handled in accordance with the provisions of this Manual;

- 15.2.8.3 request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained Personal Information;
- 15.2.8.4 object to the Company / Companies' use of their Personal Information and request the deletion of such Personal Information, provided that: deletion would be subject to the Company / Companies' record keeping requirements;
- 15.2.8.5 object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
- 15.2.8.6 complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his /her or its Personal Information.

16. **AVAILABILITY AND UPDATING OF PAIA MANUAL**

This PAIA manual is made available in terms of Regulation Number R.187 of 15 February 2002. The Company / Companies will update this PAIA manual at such intervals as may be deemed necessary.

ANNEXURE A

“FORM C ANNEXURE B”

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53 (1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below.

(b) The address and/or fax number in the Republic to which the information is to be sent must be given.

(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:.....

.....

Identity number:.....

Postal

address:.....

.....

.....

Fax number:.....

Telephone number:.....

E-mail address:.....

Capacity in which request is made, when made on behalf of another person:.....

.....

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and
surname:.....

identity number:.....

D. Particulars of record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios.

1. Description of record or relevant part of the record:.....

.....

.....

2. Reference number, if available:.....

3. Any further particulars of record:.....

.....

.....

E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.

(b) You will be notified of the amount required to be paid as the request fee.

(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.

(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:.....

.....

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:.....

.....

Form in which record is required:.....

.....

Mark the appropriate box with an X.

NOTES:

(a) Compliance with your request in the specified form may depend on the form in which the record is available.

(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:			
<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images*
<input type="checkbox"/>	<input type="checkbox"/>		Transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	Listen to the soundtrack (audio	<input type="checkbox"/>	Transcription of soundtrack* (written

cassette)		printed document)	
4. If record is held on computer or in an electronic or machine-readable form:			
Printed copy of record*	Printed copy of information derived from the record*	Copy in computer readable form* (stiffy or compact disc)	
* If you requested a copy you wish the copy or transcription to be posted to you? Postage is payable			YES NO

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:.....

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?.....

Signed at.....thisday of.....20.....

SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF REQUEST IS MADE